

**ASSEMBLY BILL**

**No. 2424**

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**Introduced by Assembly Member Beall**

February 21, 2008

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An act to amend Sections 7570, 7572, 7585, and 7587 of, and to add Sections 7574, 7589, and 7590 to, the Government Code, and to amend Sections 4512, 4629, 4646, 4646.5, and 4689 of, and to add Chapter 14 (commencing with Section 4868) to Division 4.5 of, the Welfare and Institutions Code, relating to persons with disabilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2424, as introduced, Beall. Persons with developmental disabilities: education and employment.

Existing law contains provisions, the responsibility of which is vested jointly in the Superintendent of Public Instruction and the Secretary of California Health and Human Services, for ensuring the maximum utilization of all state and federal resources available to provide a child with a disability a free and appropriate education, as well as to provide the child related services and designated instruction and services, as those terms are defined.

This bill would provide that these provisions are intended both for maximum utilization and coordination of state and federal resources for the purposes specified above.

Under existing law, the special education services to be provided to a child are determined pursuant to an individualized education program (IEP), developed by an IEP team. Under existing law, services and supports to persons with developmental disabilities, including children, are determined pursuant to an individual program plan (IPP), with certain services provided by school districts and other services and

supports provided or purchased by private nonprofit regional centers that contract with the State Department of Developmental Services.

Under existing law, a child with a disability is to be assessed in all areas related to the suspected disability before any action is taken with respect to the provision of related services or designated instruction and services, including other specified types of services.

This bill would add transition services to those services specified in these provisions. It would, however, specify that the bill does not prevent transition services from being added to the child's IEP or IPP even if a formal assessment has not been conducted.

The bill would, commencing July 1, 2009, require that each student with an IEP or IPP participate in a transitional services planning process, as prescribed, to facilitate movement from school to postschool activities, and would require the Superintendent of Public Instruction and the Secretary of California Health and Human Services to enter into an interagency agreement to implement these provisions. It would also require, commencing July 1, 2009, that the Superintendent and the Director of Developmental Services, or their designees, prepare and implement, with existing resources, a plan for inservice training of state and local personnel responsible for implementing the transition services provisions.

Existing law, the Lanterman Developmental Disabilities Services Act, grants persons with developmental disabilities the right to receive services and supports to meet their needs. Existing law requires that the State Department of Development Services contract with private nonprofit corporations for the operation of regional centers to obtain services and supports for an individual with a developmental disability in accordance with his or her IPP.

This bill would require a regional center to provide the consumer, and where appropriate, his or her parents, legal guardian, or conservator, and to the consumer's service provider, with a copy of his or her IPP within 15 calendar days of the consumer's IPP meeting.

This bill would create an assumption that individuals would prefer to live, work, and participate in inclusive and integrated settings and are entitled to do so.

This bill would also establish the Employment First Policy which includes planning for integrated employment opportunities for persons with developmental disabilities through the individual program plan process. The bill would require the department, regional centers, and IPP teams to take various actions as part of the IPP planning process

to implement this policy, including specific program requirements for persons transitioning from school and for persons of working adult age. The department would also be required to convene a taskforce and a consumer advisory committee to make recommendations and take other prescribed actions concerning the Employment First Policy. It would also require the consumer advisory committee and the department to report to the Legislature and the Governor, as prescribed, on the Employment First Policy.

Under existing law, the department is required to periodically review the individual program planning process and the contracts of the regional centers for compliance with their obligations.

This bill would add requirements to the contract review process and to the individual program plan review process relating to the provision of information, supported living services, and integrated employment and community participation opportunities.

Existing law establishes an independent State Council on Developmental Disabilities.

This bill would require the state council to establish a business advisory committee to gather information on and report to the Legislature and the Governor annually beginning January 1, 2010, on the Employment First Policy.

Existing law establishes the Program Development Fund, into which parental fees for services and supports and other moneys are deposited, and that may be used by the department to create new programs and expand existing programs.

This bill would create the Employment First Policy Startup Fund, to be used by the department, upon appropriation by the Legislature, commencing with the 2009–10 fiscal year and ending with the 2013–14 fiscal year, for startup costs related to the policy, and would permit Program Development Fund moneys to be used for this purpose.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 7570 of the Government Code is amended
- 2 to read:
- 3 7570. Ensuring maximum utilization *and coordination* of all
- 4 state and federal resources available to provide a child with a
- 5 disability, as defined in Section 1401(3) of Title 20 of the United

1 States Code, with a free appropriate public education, the provision  
2 of related services, as defined in Section 1401(26) of Title 20 of  
3 the United States Code, and designated instruction and services,  
4 as defined in Section 56363 of the Education Code, to a child with  
5 a disability, shall be the joint responsibility of the Superintendent  
6 of Public Instruction and the Secretary of ~~the California~~ Health  
7 and Human Services ~~Agency~~. The Superintendent of Public  
8 Instruction shall ensure that this chapter is carried out through  
9 monitoring and supervision.

10 SEC. 2. Section 7572 of the Government Code is amended to  
11 read:

12 7572. (a) A child shall be assessed in all areas related to the  
13 suspected disability by those qualified to make a determination of  
14 the child's need for the service before any action is taken with  
15 respect to the provision of related services or designated instruction  
16 and services to a child, including, but not limited to, services in  
17 the areas of; occupational therapy, physical therapy, *transition*  
18 *services as defined in subdivision (a) of Section 56345.1 of the*  
19 *Education Code*, psychotherapy, and other mental health  
20 assessments. All assessments required or conducted pursuant to  
21 this section shall be governed by the assessment procedures  
22 contained in Article 2 (commencing with Section 56320) of  
23 Chapter 4 of Part 30 of the Education Code.

24 (b) Occupational therapy and physical therapy assessments shall  
25 be conducted by qualified medical personnel as specified in  
26 regulations developed by the State Department of Health *Care*  
27 Services in consultation with the State Department of Education.

28 (c) Psychotherapy and other mental health assessments shall be  
29 conducted by qualified mental health professionals as specified in  
30 regulations developed by the State Department of Mental Health,  
31 in consultation with the State Department of Education, pursuant  
32 to this chapter.

33 (d) A related service or designated instruction and service shall  
34 only be added to the child's individualized education program by  
35 the individualized education program team, as described in Part  
36 30 (commencing with Section 56000) of the Education Code, if a  
37 formal assessment has been conducted pursuant to this section,  
38 and a qualified person conducting the assessment recommended  
39 the service in order for the child to benefit from special education.  
40 In no case shall the inclusion of necessary related services in a

1 pupil's individualized education ~~plan~~ *program* be contingent upon  
2 identifying the funding source. Nothing in this section shall prevent  
3 a parent from obtaining an independent assessment in accordance  
4 with subdivision (b) of Section 56329 of the Education Code,  
5 which shall be considered by the individualized education program  
6 team. *Nothing in this subdivision shall prevent transition services*  
7 *from being added to the child's individualized education program*  
8 *or individual program plan, even if a formal assessment has not*  
9 *been conducted pursuant to this section.*

10 (1) Whenever an assessment has been conducted pursuant to  
11 subdivision (b) or (c), the recommendation of the person who  
12 conducted the assessment shall be reviewed and discussed with  
13 the parent and with appropriate members of the individualized  
14 education program team prior to the meeting of the individualized  
15 education program team. When the proposed recommendation of  
16 the person has been discussed with the parent and there is  
17 disagreement on the recommendation pertaining to the related  
18 service, the parent shall be notified in writing and may require the  
19 person who conducted the assessment to attend the individualized  
20 education program team meeting to discuss the recommendation.  
21 The person who conducted the assessment shall attend the  
22 individualized education program team meeting if requested.  
23 Following this discussion and review, the recommendation of the  
24 person who conducted the assessment shall be the recommendation  
25 of the individualized education program team members who are  
26 attending on behalf of the local educational agency.

27 (2) If an independent assessment for the provision of related  
28 services or designated instruction and services is submitted to the  
29 individualized education program team, review of that assessment  
30 shall be conducted by the person specified in subdivisions (b) and  
31 (c). The recommendation of the person who reviewed the  
32 independent assessment shall be reviewed and discussed with the  
33 parent and with appropriate members of the individualized  
34 education program team prior to the meeting of the individualized  
35 education program team. The parent shall be notified in writing  
36 and may request the person who reviewed the independent  
37 assessment to attend the individualized education program team  
38 meeting to discuss the recommendation. The person who reviewed  
39 the independent assessment shall attend the individualized  
40 education program team meeting if requested. Following this

1 review and discussion, the recommendation of the person who  
2 reviewed the independent assessment shall be the recommendation  
3 of the individualized education program team members who are  
4 attending on behalf of the local agency.

5 (3) Any disputes between the parent and team members  
6 representing the public agencies regarding a recommendation made  
7 in accordance with paragraphs (1) and (2) shall be resolved  
8 pursuant to Chapter 5 (commencing with Section 56500) of Part  
9 30 of the Education Code.

10 (e) Whenever a related service or designated instruction and  
11 service specified in subdivision (b) or (c) is to be considered for  
12 inclusion in the child's individualized educational program, the  
13 local education agency shall invite the responsible public agency  
14 representative to meet with the individualized education program  
15 team to determine the need for the service and participate in  
16 developing the individualized education program. If the responsible  
17 public agency representative cannot meet with the individualized  
18 education program team, then the representative shall provide  
19 written information concerning the need for the service pursuant  
20 to subdivision (d). Conference calls, together with written  
21 recommendations, are acceptable forms of participation. If the  
22 responsible public agency representative will not be available to  
23 participate in the individualized education program meeting, the  
24 local educational agency shall ensure that a qualified substitute is  
25 available to explain and interpret the evaluation pursuant to  
26 subdivision (d) of Section 56341 of the Education Code. A copy  
27 of the information shall be provided by the responsible public  
28 agency to the parents or any adult pupil for whom no guardian or  
29 conservator has been appointed.

30 SEC. 3. Section 7574 is added to the Government Code, to  
31 read:

32 7574. (a) All individuals with developmental disabilities who  
33 are regional center consumers and who also have exceptional  
34 needs, as defined in Section 56026 of the Education Code, shall  
35 participate in a transition services planning process beginning not  
36 later than the first individualized education program to be in effect  
37 when the individual is 16 years of age, and updated at least  
38 annually thereafter.

39 (b) The transition process shall be designed as a coordinated  
40 approach that will include appropriate, measurable transition goals

1 and descriptions of the transition services needed to assist the  
2 individual in reaching those goals. These goals shall be included  
3 in the individualized education program and, when applicable,  
4 referenced in his or her individual program plan and in any  
5 individualized plans required by other public agencies.

6 (c) The program team for the transition services planning process  
7 shall include, but not be limited to, all of the following:

8 (1) The consumer and family, advocates, and others invited by  
9 the consumer.

10 (2) The consumer's regional center service coordinator.

11 (3) The consumer's special education teacher or their designee.

12 (4) A representative from the Department of Rehabilitation, as  
13 appropriate.

14 (5) Representatives from the appropriate special education local  
15 planning area or school district and postsecondary education  
16 agency, as appropriate.

17 (6) Representatives of any other public agencies likely to be  
18 responsible for providing transition or employment services.

19 (d) Transition services planning shall be conducted in a manner  
20 consistent with paragraph (8) of subdivision (a) of Section 56345  
21 and Section 56345.1 of the Education Code.

22 (e) The team shall focus on, and the plan shall include, ways to  
23 improve the academic and functional achievement of the individual  
24 to facilitate movement from school to postschool activities,  
25 including postsecondary education, vocational training, continuing  
26 and adult education, adult services, supportive or independent  
27 living, and integrated gainful employment, including supported  
28 employment.

29 (f) The program team shall also consider the following integrated  
30 options in creating the plan:

31 (1) Employment, such as microenterprise, individually owned  
32 businesses, supported and customized employment, and the effects  
33 of work on benefits.

34 (2) Social recreation.

35 (3) Volunteer opportunities.

36 (4) Community participation including instruction, related  
37 services, community experiences, the development of employment  
38 and other postschool adult living objectives, and, if appropriate,  
39 acquisition of daily living skills and provision of a functional  
40 vocational evaluation.

1 (5) Living arrangements, including supported living.

2 (6) Rehabilitation counseling services.

3 (7) Assessment, training, and services available through a local  
4 Workability project, as set out in subdivision (d) of Section 56471  
5 of the Education Code.

6 (8) Other postsecondary opportunities.

7 (9) Transportation planning.

8 (10) Any other related services and supports required to  
9 implement individualized transition outcomes.

10 (g) The plan shall be based upon the individual's needs, taking  
11 into account his or her strengths, preferences, and interests.

12 (h) This section shall become operative on July 1, 2009.

13 SEC. 4. Section 7585 of the Government Code is amended to  
14 read:

15 7585. (a) Whenever any department or any local agency  
16 designated by that department fails to provide a related service or  
17 designated instruction and service required pursuant to Section  
18 7574, 7575, or 7576, and specified in the child's individualized  
19 education program, the parent, adult pupil, or any local educational  
20 agency referred to in this chapter, shall submit a written notification  
21 of the failure to provide the service to the Superintendent of Public  
22 Instruction or the Secretary of the *California* Health and Human  
23 Services Agency.

24 (b) When either the Superintendent of Public Instruction or the  
25 Secretary of the *California* Health and Human Services Agency  
26 receives a written notification of the failure to provide a service  
27 as specified in subdivision (a), a copy shall immediately be  
28 transmitted to the other party. The Superintendent of Public  
29 Instruction, or his or her designee, and the secretary, or his or her  
30 designee, shall meet to resolve the issue within 15 calendar days  
31 of receipt of the notification. A written copy of the meeting  
32 resolution shall be mailed to the parent, the local educational  
33 agency, and affected departments, within 10 days of the meeting.

34 (c) If the issue cannot be resolved within 15 calendar days to  
35 the satisfaction of the superintendent and the secretary, they shall  
36 jointly submit the issue in writing to the Director of the Office of  
37 Administrative Hearings, or his or her designee, in the State  
38 Department of General Services.

39 (d) The Director of the Office of Administrative Hearings, or  
40 his or her designee, shall review the issue and submit his or her

1 findings in the case to the superintendent and the secretary within  
2 30 calendar days of receipt of the case. The decision of the Director  
3 of the Office of Administrative Hearings, or his or her designee,  
4 shall be binding on the departments and their designated agencies  
5 who are parties to the dispute.

6 (e) If the meeting, conducted pursuant to subdivision (b), fails  
7 to resolve the issue to the satisfaction of the parent or local  
8 educational agency, either party may appeal to the Director of the  
9 Office of Administrative Hearings, whose decision shall be the  
10 final administrative determination and binding on all parties.

11 (f) Whenever notification is filed pursuant to subdivision (a),  
12 the pupil affected by the dispute shall be provided with the  
13 appropriate related service or designated instruction and service  
14 pending resolution of the dispute, if the pupil had been receiving  
15 the service. The Superintendent of Public Instruction and the  
16 Secretary of ~~the California~~ Health and Human Services ~~Agency~~  
17 shall ensure that funds are available for the provision of the service  
18 pending resolution of the issue pursuant to subdivision (e).

19 (g) Nothing in this section prevents a parent or adult pupil from  
20 filing for a due process hearing under Section 7586.

21 (h) The contract between the State Department of Education  
22 and the Office of Administrative Hearings for conducting due  
23 process hearings shall include payment for services rendered by  
24 the Office of Administrative Hearings which are required by this  
25 section.

26 SEC. 5. Section 7587 of the Government Code is amended to  
27 read:

28 7587. By January 1, 1986, each state department named in this  
29 chapter shall develop regulations, as necessary, for the department  
30 or designated local agency to implement this act. All regulations  
31 shall be reviewed by the Superintendent of Public Instruction prior  
32 to filing with the Office of Administrative Law, in order to ensure  
33 consistency with federal and state laws and regulations governing  
34 the education of disabled children. The directors of each department  
35 shall adopt all regulations pursuant to this section as emergency  
36 regulations in accordance with Chapter 3.5 (commencing with  
37 Section 11340) of Part 1 of Division 3 of Title 2. For the purpose  
38 of the Administrative Procedure Act, the adoption of the regulations  
39 shall be deemed to be an emergency and necessary for the  
40 immediate preservation of the public peace, health and safety, or

1 general welfare. These regulations shall not be subject to the review  
2 and approval of the Office of Administrative Law and shall not be  
3 subject to automatic repeal until the final regulations take effect  
4 on or before June 30, ~~1997~~ 2009, and the final regulations shall  
5 become effective immediately upon filing with the Secretary of  
6 State. Regulations adopted pursuant to this section shall be  
7 developed with the maximum feasible opportunity for public  
8 participation and comments.

9 SEC. 6. Section 7589 is added to the Government Code, to  
10 read:

11 7589. (a) The Superintendent of Public Instruction and the  
12 Secretary of California Health and Human Services shall ensure  
13 that the State Department of Education and the State Department  
14 of Developmental Services enter into an interagency agreement  
15 for implementation of Section 7574 no later than June 30, 2009,  
16 that shall be effective commencing July 1, 2009. The agreement  
17 shall include, but not be limited to, procedures for ongoing joint  
18 training, technical assistance for state and local personnel  
19 responsible for implementing Section 7574, protocols for  
20 monitoring service delivery, and a system for compiling data on  
21 program operations.

22 (b) It is the intent of the Legislature that the designated local  
23 agencies of the State Department of Education and the State  
24 Department of Developmental Services update their interagency  
25 agreements for services specified in this chapter at the earliest  
26 possible time. It is the intent of the Legislature that the state and  
27 local interagency agreements be updated at least every three years  
28 or earlier, as necessary.

29 SEC. 7. Section 7590 is added to the Government Code, to  
30 read:

31 7590. (a) The Superintendent of Public Instruction and the  
32 Director of Developmental Services, or their designees, shall jointly  
33 prepare and implement, with existing resources, a plan for inservice  
34 training of state and local personnel responsible for implementing  
35 Section 7574.

36 (b) This section shall become operative on July 1, 2009.

37 SEC. 8. Section 4512 of the Welfare and Institutions Code is  
38 amended to read:

39 4512. As used in this division:

1 (a) "Developmental disability" means a disability that originates  
2 before an individual attains age 18 years *of age*, continues, or can  
3 be expected to continue, indefinitely, and constitutes a substantial  
4 disability for that individual. As defined by the Director of  
5 Developmental Services, in consultation with the Superintendent  
6 of Public Instruction, this term shall include mental retardation,  
7 cerebral palsy, epilepsy, and autism. This term shall also include  
8 disabling conditions found to be closely related to mental  
9 retardation or to require treatment similar to that required for  
10 individuals with mental retardation, but shall not include other  
11 handicapping conditions that are solely physical in nature.

12 (b) "Services and supports for persons with developmental  
13 disabilities" means specialized services and supports or special  
14 adaptations of generic services and supports directed toward the  
15 alleviation of a developmental disability or toward the social,  
16 personal, physical, or economic habilitation or rehabilitation of an  
17 individual with a developmental disability, or toward the  
18 achievement and maintenance of independent, productive, normal  
19 lives. The determination of which services and supports are  
20 necessary for each consumer shall be made through the individual  
21 program plan process. The determination shall be made on the  
22 basis of the needs and preferences of the consumer or, when  
23 appropriate, the consumer's family, and shall include consideration  
24 of a range of service options proposed by individual program plan  
25 participants, the effectiveness of each option in meeting the goals  
26 stated in the individual program plan, and the cost-effectiveness  
27 of each option. Services and supports listed in the individual  
28 program plan may include, but are not limited to, diagnosis,  
29 evaluation, treatment, personal care, day care, domiciliary care,  
30 special living arrangements, physical, occupational, and speech  
31 therapy, training, education, supported and sheltered employment,  
32 mental health services, recreation, counseling of the individual  
33 with a developmental disability and of his or her family, protective  
34 and other social and sociolegal services, information and referral  
35 services, follow-along services, adaptive equipment and supplies,  
36 advocacy assistance, including self-advocacy training, facilitation  
37 and peer advocates, assessment, assistance in locating a home,  
38 child care, behavior training and behavior modification programs,  
39 camping, community integration services, community support,  
40 daily living skills training, emergency and crisis intervention,

1 facilitating circles of support, habilitation, homemaker services,  
2 infant stimulation programs, paid roommates, paid neighbors,  
3 respite, short-term out-of-home care, social skills training,  
4 specialized medical and dental care, supported living arrangements,  
5 technical and financial assistance, travel training, training for  
6 parents of children with developmental disabilities, training for  
7 parents with developmental disabilities, vouchers, and  
8 transportation services necessary to ensure delivery of services to  
9 persons with developmental disabilities. Nothing in this subdivision  
10 is intended to expand or authorize a new or different service or  
11 support for any consumer unless that service or support is contained  
12 in his or her individual program plan.

13 (c) Notwithstanding subdivisions (a) and (b), for any  
14 organization or agency receiving federal financial participation  
15 under the federal Developmental Disabilities Assistance and Bill  
16 of Rights Act, as amended “developmental disability” and “services  
17 for persons with developmental disabilities” means the terms as  
18 defined in the federal act to the extent required by federal law.

19 (d) “Consumer” means a person who has a disability that meets  
20 the definition of developmental disability set forth in subdivision  
21 (a).

22 (e) “Natural supports” means personal associations and  
23 relationships typically developed in the community that enhance  
24 the quality and security of life for people, including, but not limited  
25 to, family relationships, friendships reflecting the diversity of the  
26 neighborhood and the community, associations with fellow students  
27 or employees in regular classrooms and workplaces, and  
28 associations developed through participation in clubs,  
29 organizations, and other civic activities.

30 (f) “Circle of support” means a committed group of community  
31 members, who may include family members, meeting regularly  
32 with an individual with developmental disabilities in order to share  
33 experiences, promote autonomy and community involvement, and  
34 assist the individual in establishing and maintaining natural  
35 supports. A circle of support generally includes a plurality of  
36 members who neither provide nor receive services or supports for  
37 persons with developmental disabilities and who do not receive  
38 payment for participation in the circle of support.

39 (g) “Facilitation” means the use of modified or adapted  
40 materials, special instructions, equipment, or personal assistance

1 by an individual, such as assistance with communications, that  
2 will enable a consumer to understand and participate to the  
3 maximum extent possible in the decisions and choices that effect  
4 his or her life.

5 (h) “Family support services” means services and supports that  
6 are provided to a child with developmental disabilities or his or  
7 her family and that contribute to the ability of the family to reside  
8 together.

9 (i) “Voucher” means any authorized alternative form of service  
10 delivery in which the consumer or family member is provided with  
11 a payment, coupon, chit, or other form of authorization that enables  
12 the consumer or family member to choose his or her own service  
13 provider.

14 (j) “Planning team” means the individual with developmental  
15 disabilities, the parents or legally appointed guardian of a minor  
16 consumer or the legally appointed conservator of an adult  
17 consumer, the authorized representative, including those appointed  
18 pursuant to subdivision (d) of Section 4548 and subdivision (e) of  
19 Section 4705, one or more regional center representatives,  
20 including the designated regional center service coordinator  
21 pursuant to subdivision (b) of Section 4640.7, any individual,  
22 including a service provider, invited by the consumer, the parents  
23 or legally appointed guardian of a minor consumer or the legally  
24 appointed conservator of an adult consumer, or the authorized  
25 representative, including those appointed pursuant to subdivision  
26 (d) of Section 4548 and subdivision (e) of Section 4705.

27 (k) “Stakeholder organizations” means statewide organizations  
28 representing the interests of consumers, family members, service  
29 providers, and statewide advocacy organizations.

30 (l) “Substantial disability” means the existence of significant  
31 functional limitations in three or more of the following areas of  
32 major life activity, as determined by a regional center, and as  
33 appropriate to the age of the person:

- 34 (1) Self-care.
- 35 (2) Receptive and expressive language.
- 36 (3) Learning.
- 37 (4) Mobility.
- 38 (5) Self-direction.
- 39 (6) Capacity for independent living.
- 40 (7) Economic self-sufficiency.

1 Any reassessment of substantial disability for purposes of  
2 continuing eligibility shall utilize the same criteria under which  
3 the individual was originally made eligible.

4 (m) *“Community participation” means access to and use of*  
5 *local community resources and activities, based on personal choice*  
6 *and preference, that includes regular interaction with fellow*  
7 *residents who do not have disabilities.*

8 (n) *“Integrated gainful employment” means working in a typical*  
9 *job in the community, in a workplace that includes employees*  
10 *without disabilities, and where wages and other compensation are*  
11 *at or above minimum wage. Integrated employment includes*  
12 *supported employment and self-employment as well as*  
13 *microenterprises.*

14 SEC. 9. Section 4629 of the Welfare and Institutions Code is  
15 amended to read:

16 4629. (a) The state shall enter into five-year contracts with  
17 regional centers, subject to the annual appropriation of funds by  
18 the Legislature.

19 (b) The contracts shall include a provision requiring each  
20 regional center to render services in accordance with applicable  
21 ~~provision~~ provisions of state laws and regulations.

22 (c) (1) The contracts shall include annual performance  
23 objectives that shall do both of the following:

24 (A) Be specific, measurable, and designed to do all of the  
25 following:

26 (i) Assist consumers to achieve life quality outcomes.

27 (ii) Achieve meaningful progress above the current baselines.

28 (iii) Develop services and supports identified as necessary to  
29 meet identified needs.

30 (B) Be developed through a public process as described in the  
31 department’s guidelines that includes, but is not limited to, all of  
32 the following:

33 (i) Providing information, in an understandable form, to the  
34 community about regional center services and supports, including  
35 budget information and baseline data on services and supports and  
36 regional center operations.

37 (ii) Conducting a public meeting where participants can provide  
38 input on performance objectives and using focus groups or surveys  
39 to collect information from the community.

1 (iii) Circulating a draft of the performance objectives to the  
2 community for input prior to presentation at a regional center board  
3 meeting where additional public input will be taken and considered  
4 before adoption of the objectives.

5 (2) In addition to the performance objectives developed pursuant  
6 to this section, the department may specify in the performance  
7 contract additional areas of service and support that require  
8 development or enhancement by the regional center. In determining  
9 those areas, the department shall consider public comments from  
10 individuals and organizations within the regional center catchment  
11 area, the distribution of services and supports within the regional  
12 center catchment area, and review how the availability of services  
13 and supports in the regional ~~area~~ *center* catchment area compares  
14 with other regional center catchment areas.

15 (d) Each contract with a regional center shall specify steps to  
16 be taken to ensure contract compliance, including, but not limited  
17 to, all of the following:

18 (1) Incentives that encourage regional centers to meet or exceed  
19 performance standards.

20 (2) Levels of probationary status for regional centers that do  
21 not meet, or are at risk of not meeting, performance standards. The  
22 department shall require that corrective action be taken by any  
23 regional center which is placed on probation. Corrective action  
24 may include, but is not limited to, mandated consultation with  
25 designated representatives of the Association of Regional Center  
26 Agencies or a management team designated by the department, or  
27 both. The department shall establish the specific timeline for the  
28 implementation of corrective action and monitor its  
29 implementation. When a regional center is placed on probation,  
30 the department shall provide the appropriate area board with a  
31 copy of the correction plan, timeline, and any other action taken  
32 by the department relating to the probationary status of the regional  
33 center.

34 (e) In order to evaluate the regional center's compliance with  
35 its contract performance objectives and legal obligations related  
36 to those objectives, the department shall do ~~both~~ *all* of the  
37 following:

38 (1) Annually assess each regional center's achievement of its  
39 previous year's objectives and make the assessment, including  
40 baseline data and performance objectives of the individual regional

1 centers, available to the public. The department may make a special  
2 commendation of the regional centers that have best engaged the  
3 community in the development of contract performance objectives  
4 and have made the most meaningful progress in meeting or  
5 exceeding contract performance objectives.

6 (2) Monitor the activities of the regional center to ensure  
7 compliance with the provisions of its contracts, including, but not  
8 limited to, reviewing all of the following:

9 (A) The regional center's public process for compliance with  
10 ~~the procedures sets~~ *procedure set* forth in paragraph (2) of  
11 subdivision (c).

12 (B) Each regional center's performance objectives for  
13 compliance with the criteria set forth in paragraph (1) of  
14 subdivision (c).

15 (C) Any public comments on regional center performance  
16 objectives sent to the department or to the regional centers, and  
17 soliciting public input on the public process and final performance  
18 standards.

19 (3) *Measure the availability and annual increase in each*  
20 *regional center catchment area in the provision of supported living*  
21 *services for individuals with differing levels of need, including*  
22 *those who need 24-hour support.*

23 (4) *As part of the Employment First Policy, measure the increase*  
24 *in integrated gainful employment and integrated community*  
25 *participation.*

26 (f) The renewal of each contract shall be contingent upon  
27 compliance with the contract including, but not limited to, the  
28 performance objectives, as determined through the department's  
29 evaluation.

30 SEC. 10. Section 4646 of the Welfare and Institutions Code is  
31 amended to read:

32 4646. (a) It is the intent of the Legislature to ensure that the  
33 individual program plan and provision of services and supports  
34 by the regional center system is centered on the individual and the  
35 family of the individual with developmental disabilities and takes  
36 into account the needs and preferences of the individual and the  
37 family, where appropriate, as well as promoting community  
38 integration, independent, productive, and normal lives, and stable  
39 and healthy environments. It is the further intent of the Legislature  
40 to ensure that the provision of services to consumers and their

1 families be effective in meeting the goals stated in the individual  
2 program plan, reflect the preferences and choices of the consumer,  
3 and reflect the cost-effective use of public resources.

4 (b) The individual program plan is developed through a process  
5 of individualized needs determination. The individual with  
6 developmental disabilities and, where appropriate, his or her  
7 parents, legal guardian or conservator, or authorized representative,  
8 shall have the opportunity to actively participate in the development  
9 of the plan.

10 (c) An individual program plan shall be developed for any  
11 person who, following intake and assessment, is found to be  
12 eligible for regional center services. These plans shall be completed  
13 within 60 days of the completion of the assessment. At the time  
14 of intake *and at each individual program plan meeting*, the regional  
15 center shall inform the consumer and, where appropriate, his or  
16 her parents, legal guardian or conservator, or authorized  
17 representative, of the services available through the local area  
18 board and the protection and advocacy agency designated by the  
19 Governor pursuant to federal law, and shall provide the address  
20 and telephone numbers of those agencies.

21 (d) Individual program plans shall be prepared jointly by the  
22 planning team. Decisions concerning the consumer's goals,  
23 objectives, and services and supports that will be included in the  
24 consumer's individual program plan and purchased by the regional  
25 center or obtained from generic agencies shall be made by  
26 agreement between the regional center representative and the  
27 consumer or, where appropriate, the parents, legal guardian,  
28 conservator, or authorized representative at the program plan  
29 meeting.

30 (e) Regional centers shall comply with the request of a  
31 consumer, or where appropriate, the request of his or her parents,  
32 legal guardian, or conservator, that a designated representative  
33 receive written notice of all meetings to develop or revise his or  
34 her individual program plan and of all notices sent to the consumer  
35 pursuant to Section 4710. The designated representative may be  
36 a parent or family member.

37 (f) If a final agreement regarding the services and supports to  
38 be provided to the consumer cannot be reached at a program plan  
39 meeting, then a subsequent program plan meeting shall be  
40 convened within 15 days, or later at the request of the consumer

1 or, when appropriate, the parents, legal guardian, conservator, or  
2 authorized representative or when agreed to by the planning team.  
3 Additional program plan meetings may be held with the agreement  
4 of the regional center representative and the consumer or, where  
5 appropriate, the parents, legal guardian, conservator, or authorized  
6 representative.

7 (g) An authorized representative of the regional center and the  
8 consumer or, where appropriate, his or her parents, legal guardian,  
9 or conservator, shall sign the individual program plan prior to its  
10 implementation. If the consumer or, where appropriate, his or her  
11 parents, legal guardian, or conservator, does not agree with all  
12 components of the plan, they may indicate that disagreement on  
13 the plan. Disagreement with specific plan components shall not  
14 prohibit the implementation of services and supports agreed to by  
15 the consumer or, where appropriate, his or her parents, legal  
16 guardian, or conservator. If the consumer or, where appropriate,  
17 his or her parents, legal guardian, or conservator, does not agree  
18 with the plan in whole or in part, he or she shall be sent written  
19 notice of the fair hearing rights, as required by Section 4701.

20 (h) *A copy of the individual program plan shall be provided to*  
21 *the consumer and, where appropriate, to his or her parents, legal*  
22 *guardian, or conservator, and to the consumer's service provider*  
23 *within 15 calendar days of the individual program plan meeting.*  
24 *At the request of the consumer or when the consumer's primary*  
25 *language is not English, the program plan shall be provided in*  
26 *the consumer's primary language within 30 calendar days after*  
27 *the program plan meeting.*

28 SEC. 11. Section 4646.5 of the Welfare and Institutions Code  
29 is amended to read:

30 4646.5. (a) The planning process for the individual program  
31 plan described in Section 4646 shall include all of the following:

32 (1) Gathering information and conducting assessments to  
33 determine the life goals, capabilities and strengths, preferences,  
34 barriers, and concerns or problems of the person with  
35 developmental disabilities. For children with developmental  
36 disabilities, this process should include a review of the strengths,  
37 preferences, and needs of the child and the family unit as a whole.  
38 Assessments shall be conducted by qualified individuals and  
39 performed in natural environments whenever possible. Information  
40 shall be taken from the consumer, his or her parents and other

1 family members, his or her friends, advocates, providers of services  
2 and supports, and other agencies. The assessment process shall  
3 reflect awareness of, and sensitivity to, the lifestyle and cultural  
4 background of the consumer and the family.

5 *(2) The regional center shall, prior to and at the individual*  
6 *program plan meeting, provide all consumers, including those*  
7 *residing in developmental centers, and, where appropriate, the*  
8 *parents, legal guardian, conservator, or authorized representative,*  
9 *information about integrated living, integrated gainful employment,*  
10 *community participation, and maintaining benefits using methods,*  
11 *formats, and languages that will best enable the consumer to make*  
12 *decisions. Methods may include, but are not limited to, visual*  
13 *information, visiting locations, or peer advocates.*

14 *(3) The planning team shall start with the assumption that*  
15 *individuals with developmental disabilities can, and would prefer*  
16 *to, live, work, and participate in inclusive, integrated settings and*  
17 *are entitled to the supports and services necessary to do so. The*  
18 *use of segregated disability-only services shall be considered only*  
19 *after consideration of all integrated supports and services for*  
20 *which the individual may be eligible. Individual program planning*  
21 *teams shall identify the least restrictive setting for each individual*  
22 *without regard to whether those services and supports are currently*  
23 *available. If integrated services and supports are not currently*  
24 *available, the team shall identify the specific current barriers to*  
25 *more integrated services and the steps that will be taken to remove*  
26 *or address those barriers. The team shall document that*  
27 *age-appropriate options for integrated living, community*  
28 *participation, integrated gainful employment, education, public*  
29 *benefits, and transition services were discussed with the consumer.*

30 ~~(2)~~

31 *(4) A statement of goals, based on the needs, preferences, and*  
32 *life choices of the individual with developmental disabilities, and*  
33 *a statement of specific, time-limited objectives for implementing*  
34 *the person's goals and addressing his or her needs. These objectives*  
35 *shall be stated in terms that allow measurement of progress or*  
36 *monitoring of service delivery. These goals and objectives should*  
37 *maximize opportunities for the consumer to develop relationships,*  
38 *be part of community life in the areas of community participation,*  
39 *housing, work, school, and leisure, increase control over his or her*

1 life, acquire increasingly positive roles in community life, and  
2 develop competencies to help accomplish these goals.

3 ~~(3)~~

4 (5) When developing individual program plans for children,  
5 regional centers shall be guided by the principles, process, and  
6 services and support parameters set forth in Section 4685.

7 (6) *In order to support the Employment First Policy, the*  
8 *individual program plan for all consumers over 16 years of age*  
9 *shall include documentation that all of the following integrated*  
10 *community options have been presented, discussed, and evaluated:*

11 (A) *Integrated gainful employment, including, but not limited*  
12 *to, microenterprise, individually owned businesses, and supported*  
13 *and customized employment.*

14 (B) *Integrated social, civic, recreational, and community*  
15 *participation activities.*

16 (C) *Integrated volunteer opportunities.*

17 (D) *Postsecondary education.*

18 (E) *Inclusive community living options, including, but not limited*  
19 *to, supported living arrangements provided pursuant to Section*  
20 *4689.*

21 (7) *For all consumers over 22 years of age, the individual*  
22 *program plan shall contain an employment and career development*  
23 *section that includes current status and future goals and objectives*  
24 *regarding all of the following:*

25 (A) *Integrated gainful employment and postsecondary education.*

26 (B) *Eligibility for, and maintenance of, public benefits in areas,*  
27 *including, but not limited to, Supplemental Security Income, Social*  
28 *Security, Medicaid, In-Home Support Services, Workability, Ticket*  
29 *to Work, housing, financial aid for postsecondary education,*  
30 *microenterprise development, and all other programs affecting*  
31 *the benefits of persons with developmental disabilities.*

32 (C) *The effects of employment on benefits.*

33 (D) *Transportation services and supports.*

34 (E) *Asset development and management.*

35 (8) *For all consumers between 16 and 22 years of age, the*  
36 *individual program plan shall contain a transition section that*  
37 *includes transition services developed pursuant to Chapter 26.5*  
38 *(commencing with Section 7570) of Division 7 of Title 1 of the*  
39 *Government Code and plans for the consumer's future transition*  
40 *to community integrated adult services.*

1     ~~(4)~~

2     (9) A schedule of the type and amount of services and supports  
3 to be purchased by the regional center or obtained from generic  
4 agencies or other resources in order to achieve the individual  
5 program plan goals and objectives, and identification of the  
6 provider or providers of service responsible for attaining each  
7 objective, including, but not limited to, vendors, contracted  
8 providers, generic service agencies, and natural supports. The plan  
9 shall specify the approximate scheduled start date for services and  
10 supports and shall contain timelines for actions necessary to begin  
11 services and supports, including generic services.

12     ~~(5)~~

13     (10) When agreed to by the consumer, the parents or legally  
14 appointed guardian of a minor consumer, ~~or~~ the legally appointed  
15 conservator of an adult consumer, or the authorized representative,  
16 including those appointed pursuant to subdivision (d) of Section  
17 4548 and subdivision (e) of Section 4705, a review of the general  
18 health status of the adult or child including a medical, dental, and  
19 mental health needs shall be conducted. This review shall include  
20 a discussion of current medications, any observed side effects, and  
21 the date of last review of the medication. Service providers shall  
22 cooperate with the planning team to provide any information  
23 necessary to complete the health status review. If any concerns  
24 are noted during the review, referrals shall be made to regional  
25 center clinicians or to the consumer's physician, as appropriate.  
26 Documentation of health status and referrals shall be made in the  
27 consumer's record by the service coordinator.

28     ~~(6)~~

29     (11) A schedule of regular periodic review and reevaluation to  
30 ascertain that planned services have been provided, that objectives  
31 have been fulfilled within the times specified, and that consumers  
32 and families are satisfied with the individual program plan and its  
33 implementation.

34     (b) For all active cases, individual program plans shall be  
35 reviewed and modified by the planning team, through the process  
36 described in Section 4646, as necessary, in response to the person's  
37 achievement or changing needs, and no less often than once every  
38 three years. If the consumer or, where appropriate, the consumer's  
39 parents, legal guardian, or conservator requests an individual

1 program plan review, the individual program shall be reviewed  
2 within 30 days after the request is submitted.

3 (c) (1) The department, with the participation of representatives  
4 of a statewide consumer organization, the Association of Regional  
5 Center Agencies, an organized labor organization representing  
6 service coordination staff, ~~and the Organization of Area Boards~~  
7 *the State Council on Developmental Disabilities, and the State*  
8 *Protection and Advocacy Agency shall prepare review and update*  
9 *the current training material and a standard format and instructions*  
10 *for the preparation of individual program plans, which embodies*  
11 *an approach centered on the person and family and includes, but*  
12 *is not limited to, information about integrated education,*  
13 *community participation, integrated gainful employment, inclusive*  
14 *living arrangements, self-directed services, public benefits, and*  
15 *transition services.*

16 (2) Each regional center shall use the training materials and  
17 format prepared by the department pursuant to paragraph (1).

18 (3) The department shall biennially review a random sample of  
19 individual program plans *and conduct other activities necessary*  
20 *to evaluate the person-centered individual program plan process*  
21 *as conducted for consumers of all ages and who reside in all types*  
22 *of living arrangements, including those who are and are not served*  
23 *under the home- and community-based waiver, at each regional*  
24 *center and developmental center to assure ensure that these plans*  
25 *are being developed and modified in compliance with Section*  
26 *4646 and this section, including, but not limited to, determining*  
27 *all of the following:*

28 (A) *If consumers are receiving services and supports in the least*  
29 *restrictive, most inclusive settings and, for those who could live,*  
30 *work, or recreate in less restrictive settings, whether detailed*  
31 *plans, including timelines, for moving the consumer are included.*

32 (B) *If person-centered planning is taking place and consumers*  
33 *and families have and understand the information they need to*  
34 *make informed choices.*

35 (C) *If individual program plans are being developed by*  
36 *appropriately constituted planning teams, based upon individual*  
37 *needs and preferences, and whether the plans reflect the ethnic,*  
38 *cultural, and language background of the consumer.*

39 (D) *If individual program plans reflect not only the services*  
40 *and supports necessary to meet consumers' current needs but also*

1 *include the identification of barriers to living and participating in*  
2 *less restrictive and more inclusive settings, as well as the steps*  
3 *that will be taken to address or remove those barriers.*

4 *(E) If individual program plan procedures are being followed,*  
5 *including, but not limited to, timely conduct upon request, the*  
6 *timely issuance of notices of action in appropriate languages, and*  
7 *the provision of completed plans to consumers in a timely manner.*

8 *(F) If services and supports agreed to at an individual program*  
9 *plan meeting are being provided in a timely manner consistent*  
10 *with paragraph (4) of subdivision (a) of Section 4646.5, including*  
11 *scheduled start dates and timelines for necessary actions.*

12 *(4) Individual program plan teams shall document, and regional*  
13 *centers and developmental centers shall collect and report in the*  
14 *aggregate, information on barriers to alternative, less restrictive*  
15 *services and supports for individual consumers, including, but not*  
16 *limited to, insufficient availability of types of services or providers,*  
17 *the need to develop new service models, licensing barriers, and*  
18 *community opposition. The information on unmet needs and gaps*  
19 *in the community service system should be utilized by the*  
20 *department and regularly reported to the Legislature for budget*  
21 *planning and consideration of the need for further legislative*  
22 *action to enhance the availability of community services and*  
23 *supports.*

24 SEC. 12. Section 4689 of the Welfare and Institutions Code is  
25 amended to read:

26 4689. Consistent with state and federal law, the Legislature  
27 places a high priority on providing opportunities for adults with  
28 developmental disabilities, regardless of the degree of disability,  
29 to live in homes that they own or lease with support available as  
30 often and for as long as it is needed, when that is the preferred  
31 objective in the individual program plan. In order to provide  
32 opportunities for adults to live in their own homes, the following  
33 procedures shall be adopted:

34 (a) The department and regional centers shall ensure that  
35 supported living arrangements adhere to the following principles:

36 (1) Consumers shall be supported in living arrangements which  
37 are typical of those in which persons without disabilities reside.

38 (2) The services or supports that a consumer receives shall  
39 change as his or her needs change without the consumer having  
40 to move elsewhere.

1 (3) The consumer's preference shall guide decisions concerning  
2 where and with whom he or she lives.

3 (4) Consumers shall have control over the environment within  
4 their own home.

5 (5) The purpose of furnishing services and supports to a  
6 consumer shall be to assist that individual to exercise choice in his  
7 or her life while building critical and durable relationships with  
8 other individuals.

9 (6) The services or supports shall be flexible and tailored to a  
10 consumer's needs and preferences.

11 (7) Services and supports are most effective when furnished  
12 where a person lives and within the context of his or her day-to-day  
13 activities.

14 (8) Consumers shall not be excluded from supported living  
15 arrangements based solely on the nature and severity of their  
16 disabilities.

17 (b) Regional centers may contract with agencies or individuals  
18 to assist consumers in securing their own homes and to provide  
19 consumers with the supports needed to live in their own homes.

20 (c) The range of supported living services and supports available  
21 include, but are not limited to, assessment of consumer needs;  
22 assistance in finding, modifying and maintaining a home;  
23 facilitating circles of support to encourage the development of  
24 unpaid and natural supports in the community; advocacy and  
25 self-advocacy facilitation; development of employment goals;  
26 social, behavioral, and daily living skills training and support;  
27 development and provision of 24-hour emergency response  
28 systems; securing and maintaining adaptive equipment and  
29 supplies; recruiting, training, and hiring individuals to provide  
30 personal care and other assistance, including in-home supportive  
31 services workers, paid neighbors, and paid roommates; providing  
32 respite and emergency relief for personal care attendants; and  
33 facilitating community participation. Assessment of consumer  
34 needs may begin before 18 years of age to enable the consumer to  
35 move to his or her own home when he or she reaches 18 years of  
36 age.

37 (d) Regional centers shall provide information and education  
38 to consumers and their families about supported living principles  
39 and services.

1 (e) Regional centers shall monitor and ensure the quality of  
2 services and supports provided to individuals living in homes that  
3 they own or lease. Monitoring shall take into account all of the  
4 following:

5 (1) Adherence to the principles set forth in this section.

6 (2) Whether the services and supports outlined in the consumer's  
7 individual program plan are congruent with the choices and needs  
8 of the individual.

9 (3) Whether services and supports described in the consumer's  
10 individual program plan are being delivered.

11 (4) Whether services and supports are having the desired effects.

12 (5) Whether the consumer is satisfied with the services and  
13 supports.

14 (f) *All adults with developmental disabilities, who want to live*  
15 *in supported living arrangements, including individuals who need*  
16 *24-hour support, shall have access to supported living services*  
17 *and supports. Therefore, the department shall take all necessary*  
18 *actions to ensure that supported living services and supports are*  
19 *available equitably across the state in the different regional center*  
20 *catchment areas.*

21 SEC. 13. Chapter 14 (commencing with Section 4868) is added  
22 to Division 4.5 of the Welfare and Institutions Code, to read:

23  
24 CHAPTER 14. EMPLOYMENT FIRST POLICY

25  
26 Article 1. General Provisions

27  
28 4868. (a) This chapter shall be known, and may be cited, as  
29 the Employment First Policy.

30 (b) The intended benefit of this policy is a significant increase  
31 in the number of Californians with developmental disabilities who  
32 are productive, tax paying, more self-sufficient, and more involved  
33 in their communities.

34 4868.5. The Legislature finds and declares all of the following:

35 (a) Transition aged youth, 16 to 22 years of age, inclusive, and  
36 working aged adults, 22 to 64 years of age, inclusive, who have  
37 developmental disabilities have greater opportunities for  
38 independence, productivity, and integration when they have  
39 integrated gainful employment.

1 (b) Working age Californians who have developmental  
2 disabilities have an unemployment rate as high as 80 percent and  
3 traditional approaches to increase employment rates through  
4 training and employer outreach have not been sufficient to solve  
5 this problem. While civil rights laws now prohibit it, discrimination  
6 based on disability continues to limit equal access to  
7 community-based employment.

8 (c) State and federal funding continues to favor facility-based,  
9 nonintegrated employment and related services. This results in  
10 many consumers residing in living arrangements that do not  
11 provide them the opportunity to work flexible schedules and thus  
12 hinders access to integrated gainful employment.

13 (d) Increasing numbers of transition-aged youth and adults with  
14 developmental disabilities are requesting and choosing customized,  
15 integrated employment over traditional day programs. Research  
16 regarding funding for integrated employment services shows  
17 benefits such as increased earnings, increased payroll and other  
18 taxes paid, and reduced transfer payments, exceed the costs of  
19 offering integrated programs.

20 (e) In addition to increased earnings and taxes paid, another  
21 study of employment services for Californians with disabilities  
22 found a per person per year reduction in the use of publicly funded  
23 services.

24 (f) A majority of individuals with significant disabilities want  
25 to work, can work and earn more, and can do so without  
26 jeopardizing their medical benefits.

27 4869. The Employment First Policy for people with  
28 developmental disabilities shall include all of the following:

29 (a) Services and supports to pursue and maintain gainful  
30 employment at, or above, minimum wage, in integrated settings  
31 in the community, shall be the primary option for working age  
32 adults.

33 (b) All transition age young adults, 16 to 22 years of age,  
34 inclusive, with developmental disabilities shall receive the flexible,  
35 individualized services and supports they need to be prepared to  
36 fully participate in adult life including employment, postsecondary  
37 education, and community living.

38 (c) All working age adults, 22 to 64 years of age, inclusive, with  
39 developmental disabilities, who want to work should work and

1 have the flexible, individualized services and supports they need  
2 to be an integral part of the state's workforce.

3 (d) The information needed to make informed decisions about  
4 integrated gainful employment, community participation, work,  
5 and health benefits shall be provided to individuals and families  
6 before individual program plan meetings.

7 (e) Individual program plan teams shall help individuals and  
8 their families plan for integrated gainful employment,  
9 postsecondary education, and community living and participation.

10 (f) Incentives shall be provided for employers, providers, and  
11 communities to support people with developmental disabilities to  
12 expand their opportunities for integrated employment.

13 (g) Community education shall be encouraged to promote the  
14 message that people with developmental disabilities are good  
15 friends, neighbors, residents, and fellow workers.

16 (h) People who directly support the employment opportunities  
17 for individuals with developmental disabilities who are well trained  
18 and make a living wage with benefits.

19 (i) Innovative services and supports which are supported and  
20 replicated.

21 (j) The state shall measure progress in moving towards increased  
22 integrated gainful employment and community participation for  
23 people with developmental disabilities.

24 (k) Specific goals shall be developed that target the need to  
25 increase the number of individuals with developmental disabilities  
26 placed in integrated gainful employment, as well as average hours  
27 worked and average hourly wages.

28  
29 Article 2. Planning for Employment and Postsecondary  
30 Education

31  
32 4870. Each individual program plan shall include an  
33 employment and career development section.

34 4871. No later than June 30, 2009, each regional center shall  
35 employ at least one benefits planner. The benefits planner shall  
36 have expertise that includes, but is not limited to, Supplemental  
37 Security Income, Social Security, Medicaid, Workability, Ticket  
38 to Work, and all other programs that affect the benefits of persons  
39 with developmental disabilities.

1 4872. (a) The department shall convene a task force of  
2 stakeholders that includes individuals with developmental  
3 disabilities, family members of individuals with developmental  
4 disabilities, advocates, and service providers.

5 (b) The task force shall do all of the following:

6 (1) Review, by January 1, 2010, and on a triannual basis  
7 thereafter, all department regulations and vendor codes to determine  
8 whether they support or hinder the Employment First Policy and  
9 suggest revisions, as needed, to ensure the flexibility needed for  
10 consumers to participate in integrated gainful employment,  
11 including self-employment and microenterprises, and to enroll in  
12 postsecondary education.

13 (2) Identify by January 1, 2010, payment incentives and funding  
14 strategies that encourage existing provider agencies to offer a  
15 broad, flexible array of integrated employment supports.

16 (3) Review, by January 1, 2010, the approaches used by other  
17 states to increase the availability and flexibility of employment  
18 funding by blending or braiding funds from multiple sources to  
19 support both integrated gainful employment and school-to-work  
20 transition services, and recommend legislative initiatives that will  
21 support the use of blended funding.

22 (4) Identify, by January 1, 2010, other barriers to achievement  
23 of the Employment First Policy and how these barriers can be  
24 removed.

### 25 26 Article 3. System Transformation 27

28 4873. (a) In order to report on the effectiveness of the  
29 Employment First Policy, by no later than July 1, 2009, the state  
30 council shall establish a consumer advisory committee.

31 (b) The consumer advisory committee shall do all of the  
32 following:

33 (1) Gather public input regarding progress on the Employment  
34 First Policy.

35 (2) Provide a report to the Legislature and the Governor, no  
36 later than January 1, 2010, and annually thereafter, that summarizes  
37 progress, barriers, and recommendations for continued  
38 implementation.

39 4874. (a) In order to support the implementation of the  
40 Employment First Policy through the development and expansion

1 of new, innovative, and integrated gainful employment services  
2 and supports, the department, in cooperation with the state council,  
3 shall establish the Employment First Policy Startup Fund to be  
4 used, upon appropriation by the Legislature, to implement this  
5 chapter commencing with the 2009–10 fiscal year and available  
6 through the 2013–14 fiscal year.

7 (b) The Employment First Policy Startup Fund shall contain  
8 moneys appropriated to it by the Legislature, and may also contain  
9 moneys provided by the department from the Program  
10 Development Fund provided for pursuant to Section 4677.

11 (c) Startup funds shall be available in the form of grants to  
12 current facility-based services interested in transitioning to  
13 integrated gainful employment, as well as to regional training  
14 cooperatives that offer technical assistance to integrated gainful  
15 employment service providers.

16 (d) As used in this section, “innovative and integrated gainful  
17 employment services and supports” means new or current services  
18 and supports and include, but are not limited to, those listed in  
19 paragraphs (1) to (5), inclusive, of subdivision (a) of Section 4678  
20 as well as microenterprises, self-help resource centers, and  
21 postsecondary education programs.

22 4875. (a) In collaboration with the department, the state council  
23 shall establish a business advisory committee composed of  
24 representatives of large and small and public and private employers  
25 who have a record of hiring individuals with disabilities.

26 (b) The business advisory committee shall do all of the  
27 following:

28 (1) Review programs funded by startup grants pursuant to  
29 Section 4874, including, but not limited to, the number of  
30 individuals with developmental disabilities hired, wages paid, and  
31 hours worked.

32 (2) Develop recommendations for funding priorities in the  
33 upcoming grant cycle.

#### 34 Article 4. Measuring Progress

35  
36  
37 4876. (a) The department shall, no later than June 30, 2010,  
38 and at the end of each fiscal year thereafter, report, by regional  
39 center as well as statewide aggregate, information on consumers  
40 including, but not limited to all of the following:

1 (1) The number and percentage of adults 22 years of age and  
2 older sorted by type of employment, day program, or postsecondary  
3 education.

4 (2) The average hours worked per week and average hourly  
5 wage.

6 (3) The number and percentage of individuals below, at, and  
7 above state minimum wage.

8 (b) The department shall make the resulting data available to  
9 the Legislature, the Governor, and the public, upon request, and  
10 shall use the data to do all of the following:

11 (1) Evaluate regional center performance in increasing the  
12 number and percentage of consumers accessing integrated gainful  
13 employment and postsecondary education.

14 (2) Develop a report on the impact of the elimination of the  
15 subminimum wage to be completed and submitted to the  
16 Legislature and the Governor not later than December 31, 2009.

17 4877. The State Department of Developmental Services, the  
18 Department of Rehabilitation, the State Department of Education,  
19 the Employment Development Department, the Governor's  
20 Committee on Employment, and representatives of public and  
21 private employers shall meet in an advisory capacity on an annual  
22 basis starting no later than June 30, 2009, to do all of the following:

23 (a) Establish statewide transition protocols that will enhance  
24 interagency coordination and eliminate the barriers established by  
25 separate funding methodologies.

26 (b) Establish a baseline employment rate, average hourly wage,  
27 and average hours worked per week, for individuals with  
28 developmental disabilities.

29 (c) Develop an interdepartmental, three-year, strategic plan for  
30 increasing employment for individuals with developmental  
31 disabilities.

32 (d) Develop annual, aggregate goals for increasing the  
33 employment rate, average hourly wages, and average hours worked  
34 per week.

35 (e) Revise the strategic plan, as needed.

36 (f) Report progress on the plan to the Legislature and the  
37 consumer advisory committee of the state council.

38 (g) Report progress on the plan to the Legislature and to the  
39 consumer advisory committee of the state council established  
40 pursuant to this chapter.

1     4878. The department and the state council shall develop and  
2     implement a plan to evaluate the impact of new services by  
3     identifying and tracking appropriate outcome measures.

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